

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROSA OLIBAREA AND ADAM RUSSELL,

Plaintiffs,

- against -

MK CUISINE GLOBAL LLC, *et al.*,

Defendants.

Case No. 21-cv- 10694

State of California)
) ss:
County of Los Angeles)

Matthew Kenney, duly sworn, deposes and says:

1. I am over the age of eighteen and am competent to make the following statements, each of which are true to the best of my knowledge after due inquiry.

2. I am a defendant in the above captioned case (the "Case"). I am also the manager of MK Cuisine Global, LLC ("MKC Global"), Plant Based Holdings, LLC ("PB Holdings"), Hungry Angelina Dumbo, LLC ("Hungry Angelina"), XYST, LLC ("XYST"), CFJM, LLC ("CFJM"), MKCPBAY, LLC ("MKCPBAY") and Plant Based Restaurant East 4th Street, LLC ("PB 4th St.") (collectively, the "Kenney Defendants") and, as such, I am fully familiar with the facts and circumstances stated herein.

3. I make this Affidavit in response to the Court's Order to Show Cause dated January 18, 2024.

4. In or about March 2022, I became aware of this Case. I immediately brought the Case to the attention of Matthew Bronfeld, an employee of MKC Global. It is my understanding that, thereafter, Mr. Bronfeld retained Robert Joshua Ontell to defend the Case on behalf of myself and the Kenney Defendants.

5. I spoke with Mr. Ontell in early 2022 but do not believe I have had any conversations with him since then.

6. In mid-2022, Mr. Bronfeld told me that our counsel, Mr. Ontell had participated in a mediation and was recommending we settle the matter. I specifically instructed Mr. Bronfeld to reject the settlement.

7. In later conversations with Mr. Bronfeld, he confirmed to me that he had instructed Mr. Ontell to reject the settlement offer.

8. To be clear, I did not, and to my knowledge, Mr. Bronfeld did not ever approve of the purported settlement reached between Mr. Ontell and the plaintiffs, reported to this Court on July 20, 2022 (the "Purported Settlement").

9. Since my conversations with Mr. Ontell in early 2022, I did not speak with him or directly communicate with him in any way. My business email address is mk@matthewkenneycuisine.com. I never received any communications from Mr. Ontell at this email address or any other email address, or by mail to my physical address or by telephone or text.

10. I was never served with, or otherwise informed of, Mr. Ontell's motion to withdraw as counsel, the Court's Order dated October 6, 2023 or the Court's Order dated October 22, 2023, and until they were brought to my attention by my counsel, I had no knowledge of their existence.

11. In or about June 2023, Mr. Bronfeld left the employment of MKC Global. From June 2023 to present, I have spoken with Mr. Bronfeld numerous times. At no time did Mr. Bronfeld state that he received any correspondences from Mr. Ontell.

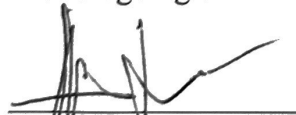
12. Mr. Bronfeld's work email account (matt.bronfeld@matthewkenneycuisine.com) has been deactivated but I have instructed MKC Global's computer consultant to search Mr. Bronfeld's emails for any communications with Mr. Ontell. As yet, we have not located any correspondences relating to the Purported Settlement or the Court's Orders.

13. This Court's Order dated October 22, 2023, directs Mr. Ontell to serve all defendants at their last known physical addresses and email addresses. Neither I, nor, upon information and belief, any of the Kenney Defendants, received physical or email service of this Order.

14. On January 20, 2024, I learned of the Court's Order to Show Cause when it was sent to me by my co-defendant, Ray Azzi. Thereafter, I retained counsel to represent me and the Kenney Defendants in this Case.

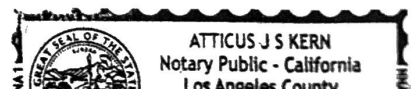
15. I do not consent to the Purported Settlement as I believe the Plaintiff's allegation in this Case are baseless and I, therefore, believe I and the Kenney Defendants will prevail at trial.

The foregoing statements are true and correct to the best of my knowledge after due inquiry.


Matthew Kenney

Sworn to before me this 5th Day of February 2024.

See attached - AK, CA Notary Public
Notary Public

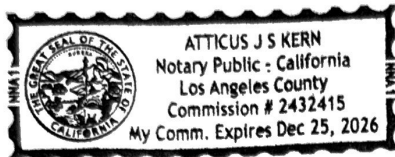


A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 6th
day of February, 2024, by Matthew Kenney

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(Seal)

Signature

A stylized handwritten signature in black ink, appearing to read "Matthew Kenney", written over a horizontal line.

